

REMARKS

Claims 1-17 are pending in the application. By this amendment, Claims 1-17 are cancelled and Claims 18-43 are added.

The claim objections in section 4 of the Office Action and the claim rejections under 35 U.S.C. §112, second paragraph, are addressed in the rewritten claim set of new claims 18-43.

Basis - independent claims 1, 12, 18

The distinction in new claim 18 of a first capacity subscribed for by a fixed subscriber, and a second capacity not subscribed for, has basis in the specification as a whole, see in particular p. 5, l. 23-34 (cf. the published PCT application).

"Casual passing mobile terminals" has been substituted with the more distinct, technical term "roaming mobile terminals" for clarity (cf. also, e.g., p. 11, l.6-7).

"Broadband access network" has been substituted with "broadband network" for clarity. Claim 18 still refers to an access line of the broadband network. Thus, there is still access to the broadband network.

The above remarks regarding basis for the new claim 18 also apply to the new claims 29 and 35. Reconsideration is respectfully requested.

**Patentability of new independent claim 18**

In the Office Action, the former claims were rejected under 35 U.S.C. §103(a) as allegedly being obvious and thus unpatentable over Chow et al. (US7002995) in view of Hagen (US2002/0075844). The cited references, when combined, do not teach or suggest all the limitations of the new independent claim 18.

Chow et al. discloses a network-centric architecture for broadband networking for home, Small Office Home Office (SOHO) and business, including service and equipment elements. The architecture integrates a wireless access system/service in the residence, SOHO, business or public environment through the use of a local broadband network to the service provider's broadband transport network and to a service provider's broadband packet network that facilitates end-to-end packet telecommunication services.

The "wired line interfaces" and "broadband transport link" (Chow et al., col. 6, l. 30-36), interpreted by the Examiner as a broadband access line, cannot be understood as having a *second capacity not subscribed for*.

Hence, Chow et al. apparently fails to disclose at least the following feature of the new claim 18:

the broadband access line further having a second capacity not subscribed for, the method comprising allocating at least a portion of the second capacity to the roaming mobile terminals.

Hagen discloses a method for providing ubiquitous public network access to wireless, mobile terminals 1 using private networks having private network access points and connections with the public network 16. The wireless, mobile terminals 1 are permitted to use wireless, radio frequency communication devices comprising private network access points 3, 4. A network access server (NAS) 7 provides an interface between the wireless, mobile terminals 1 and the private network 16. The NAS 7 controls registration of wireless, mobile terminals 1 as subscribers, and provides public network access to the mobile terminals through the private network's access point and public network connection.

The NAS comprises a gatekeeper 24 which in turns includes a Bandwidth Allocation Manager (BAM) 28. The BAM 28 allocates a portion of the NAS' available bandwidth to each network user up to a selected maximum number of concurrent users (Hagen, [0104]). The BAM also provides some further bandwidth managing features, such as throttling of bandwidth available to users ([0097]), or assigning different bandwidth to different users ([0104]).

The BAM 28 appears to divide the entire, available bandwidth between a number of mobile, wireless terminals. Certainly, Hagen distinguishes between private network clients and public access subscribers, and these classes of clients/subscribers may both be allocated bandwidth resources by the BAM 28 ([0097]). However, no reference to a *capacity not subscribed for* appears to be present in Hagen. Hence, Hagen fails to disclose at least the following feature of the new claim 18:

the broadband access line further having a second capacity not subscribed for, the method comprising allocating at least a portion of the second capacity to the roaming mobile terminals.

As a consequence, the new independent claim 18 is distinguishable over both Chow et al. and Hagen.

#### **Patentability of remaining claims**

The remaining independent claims 29 and 35 includes features corresponding to new claim 18, and should thus be allowable for at least the same reasons stated for claim 18.

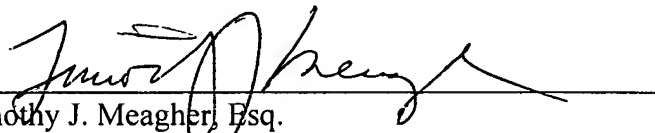
Each dependent claim should be allowable at least by virtue of its dependency on a corresponding independent claim.

#### **CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Date: 1/29/9